

REMARKS

I. Preliminary Remarks

The application as filed included a preliminary amendment in which claims 3 and 4 were amended and new claims 5-8 were added. A second preliminary amendment was filed on January 31, 2005, in order to incorporate the claim amendments filed under Article 34 in the international application. New claims 8-11 were added in the amendment filed on January 31, 2005. Claims 1 and 5-11 are pending and at issue.

Claims 1 and 6 are amended herein. Support for the amendments can be found throughout the application. See, for example, at page 5, line 10.

II. The rejection under 35 U.S.C. § 102(b) should be withdrawn.

The Examiner rejected claims 1 and 5-11 as assertedly being anticipated by Norton (U.S. Patent No. 5,976,556). Applicants disagree.

Norton does not disclose or suggest a specific composition comprising glycolic acid and polyethylene glycol (PEG) (or polyvinyl alcohol), wherein the composition comprises a pH of 2.0 or less. Norton discloses compositions comprising various components, but does not particularly disclose or suggest the specific preparation (i.e., compositions) recited in the claims. For example, Norton discloses that its composition comprises an acid protease¹ and an acidic buffer. Norton discloses that the acidic buffer includes one of at least twelve (12) acids (col. 10, lines 41-44) and one of at least nine (9) pharmaceutically acceptable carriers (col. 10, lines 63-65), but does not specifically disclose a composition that specifically comprises glycolic acid and polyethylene glycol. The mere listing of various components in a composition cannot anticipate the specific genera of compositions recited in the claims.

Moreover, independent claim 1 recites that the PEG has a polymerization degree of from 2,000 to 50,000. Norton generically discloses ethylene glycol and specifically discloses PEG-40 and PEG-75. It appears that PEG-40 and PEG-75 have degrees of polymerization of 40 and 75, which is much lower than the PEG recited in claim 1. See ICID and Handbook, pages 1549 and 1551 set forth in Appendix A.

In view of the foregoing, the rejection of claims 1 and 5-11 under 35 U.S.C. § 102(b) should be withdrawn.

¹ The claims of the present invention do not require an acid protease.

III. Conclusion

In view of the above amendment, applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

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